

WASHINGTON POST
28 JUNE 1977

The Private War of Robert Smith

One Man's Journal To Protect Our Basic Rights

By Michael Kernan

Joe Eaton was astounded. He had learned he was being investigated by Internal Revenue's special spying program in Florida and couldn't see his own file.

On appeal, Eaton got the file and found out that the reason he was suspect was that a youth being tried for drug violations had been carrying a slip of paper with Joe Eaton's name in his wallet.

Eaton is a judge in U.S. District Court in Miami. The young man was one of 5,000 people who had appeared before him. That was the only connection. . . .

"The privacy invasion is a trend," said Robert Ellis Smith, 36-year-old editor of *Privacy Journal*, the most talked-about Washington newsletter since I.P. Stone's *Weekly*. "It's hard to get people riled up about a trend. It's all so gradual. You've got to give up some privacy, after all, to get some benefits. You tell your Social Security number, you tell your age for your driver's license because you don't want to hold up the line arguing. People have a basic inclination to be open. And also, people don't know what's being done with the information."

That's where Smith comes in with his *Independent Monthly on Privacy* in a Computer Age, which he has been turning out for nearly three years from a homey little office over his Capitol Hill garage. His 1,500 subscribers pay from \$15 to \$45 a year—\$60 overseas—for the tightly-written eight-page mixture of reportage and advocacy.

"... Annabel Stoddard was fired from her third-grade teaching job in Western Wyoming for lacking adequate discipline, classroom house-keeping or the 'dynamics necessary to motivate students.' What she suspected, however, was that she was dismissed for her stoutness, divorced status and lifestyle. After she had taught in the school for two years, the principal asked her to reduce her weight and warned her about a light in her bedroom in the evenings when her children were away. . . ."

Smith comes to the privacy issue via civil rights: After Harvard ('62), he edited the weekly *Southern Courier* awhile, then worked in the HEW civil liberties office during the busing controversy, putting himself

through Georgetown Law at night. Then he moved on to the American Civil Liberties Union in 1973, started the *Privacy Digest* and came to know the vagaries of working on grants.

Finally he founded his own newsletter with \$1,000 from his savings and has been more or less thriving ever since, allowing for the naked feeling you get in a one-man business.

He has a theory about "dormant data," information that is collected for one reason or another and lies around perhaps for years in a computer bank. In the old days you'd have it in a manila folder which would get dusty on a shelf somewhere and eventually would be thrown out. But a computer printout looks forever fresh.

"What we're talking about is control," he said. "They don't perceive it as an invasion of privacy." He is concerned about the apparent lack of interest in accuracy (which would seem to confirm that getting data on people really is just a matter of feeling powerful) and the easy access other computer operators have.

Before recent curbs were put on tax records, people in the trade called IRS files "the lending library."

"The thing is, this country depends on a voluntary tax system, and the whole basis is that it's confidential. Individuals are reacting to the computer scrutiny by playing it safe, modifying behavior a bit. It's showing its effect."

In Rochester, N.Y., a woman was told at the Casual Corner, where she had been a sales clerk for a year, that there was a new policy: She would have to open her purse for inspection every day. She refused and was fired. The state ruled that she could collect unemployment benefits even so, because "claimant did not

commit an act of misconduct sufficient to disqualify her. . . ."

Smith finds a few small signs of a consumer rebellion against the computer invasion. Here and there, someone sabotages a credit card or refuses to give a Social Security number. But it will take a lot more to get the public excited, maybe something comparable to the uproar over a national data bank we heard a few years ago.

"People are going to get more aware," he said. "They'll begin to shop around for, say, the bank that requires the least information from them for a loan, the medical insurance that doesn't have to know quite so much as the others. The changes will come."

Computer education is another thing, reaching as it does to the elementary schools and correspondence schools.

"You can build your own computer now for about \$500. People are learning how to use them, just as they learned how to manipulate the telephone system. I hope consumers will run 'em for their own advantage. Why shouldn't a citizen go to IRS and use their machines to compute his own tax? The airlines massage and maneuver us with their computers; why couldn't we write up our own tickets on their machines?"

... It was not the feminists, but IBM, that suggested Juanita Kreps for Secretary of Commerce. President Carter relied heavily on IBM for his talent search.

He wound up with no less than three IBM board members in his cabinet. . . .

Privacy Journal goes on, in this memo

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